

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Development of Operational, Technical)	
and Spectrum Requirements for Meeting)	WT Docket No. 96-86
Federal, State and Local Public Safety)	
Communication Requirements Through the)	
Year 2010		

REPLY OF THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

The National Public Safety Telecommunications Council (NPSTC) presents this Reply to the Opposition to the Petition for Reconsideration filed by Motorola, Inc. (Motorola) and to the Petition for Reconsideration filed by M/A-COM, Inc. (M/A-COM), regarding particular decisions of the Commission in its Fifth Memorandum Opinion and Order, Sixth Report and Order, and Seventh Notice of Proposed Rulemaking, *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communication Requirements Through the Year 2010*, WT Docket No. 96-86, FCC 05-9 (January 7, 2005). M/A COM challenges the interim deadlines for transition to 6.25. kHz voice channels in the 700 MHz band and urges the Commission to return the original interim deadlines of December 31, 2006. Motorola, Inc. urges that the Petition for Reconsideration be denied. NPSTC opposes any reinstatement of the Commission's original interim deadlines.

In the Commission's *Fifth Report and Order*, it adopted a migration path to a 6.25 kHz voice efficiency requirement for General Use and State License channels in the 700 MHz band.¹ The Commission stated that, after December 31, 2016, all licensees operating on General Use and State

¹ See Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, *Fifth Report and Order*, 17 FCC Rcd 14999, 15007-09 ¶¶ 16-19 (*Fifth R&O*).

License channels must cease operation with 12.5 kHz equipment and operate exclusively with 6.25 kHz equipment. The Commission banned the marketing, manufacture, and importation of equipment exclusively capable of operating in the 12.5 kHz mode after December 31, 2006. The Commission also stated that after December 31, 2006, it would accept applications for *new* systems only if they employed 6.25 kHz equipment. In its reconsideration of this decision, it deferred the ban on the marketing, manufacture and importation of equipment solely capable of utilizing 12.5 kHz bandwidth until December 31, 2014 and deferred the prohibition on filing applications for new systems that operate utilizing 12.5 kHz voice channels from December 31, 2006 until December 31, 2014.

NPSTC agrees with the public safety interests that urged the Commission to extend the December 31, 2006, interim transition date because the new 6.25 kHz equipment must first be field-tested under the conditions of public safety operations.² This circumstance has not changed. Moreover, the reality is that spectrum in the 700 MHz band for public safety agencies, presently encumbered by broadcasters, lacks any definite date by which operations can commence; there is no serious claim it will be available by December 31, 2006. Reinstating the December 31, 2006, mandate for dual mode 6.25 kHz/12.50 kHz equipment when the 700 MHz spectrum is not yet available to public safety operations contradicts the premise that 12.5 kHz operations be permitted until December 31, 2016. The costs imposed on users for the dual mode equipment will not be balanced by tangible benefits.

NPSTC reiterates the concern it has conveyed in similar circumstances involving the interim transition deadlines to 12.5 kHz efficiency for frequencies in the 150-174 MHz and 421-512 MHz bands. The Commission's interim transition initiatives, precluding the purchase of equipment and the ability of an agency to alter its contour to comport with changes in operational demands, imposes substantial challenges on public safety agencies.³ Under the Commission's interim rules, neither a

² Comments of Association of Public Safety Communications Officials International (APCO) in Support of Petition for Reconsideration filed by Motorola, Inc., filed April 1, 2003 at 2; Comments of the International Association of Chiefs of Police, the Major Cities Chiefs, the National Sheriffs Association and the Major Counties Sheriffs Association, filed Mar. 30, 2003 at 5; Comments of Pinellas County, Florida in Support of Motorola's Petition for Reconsideration at 1 filed April 1, 2003.

³ NPSTC Comment submitted *In the Matter of Implementation of Sections 309(j) and 337*

modification to expand the contour of an existing station nor the manufacturing or importing of equipment may take place unless the equipment comports with 12.5 kHz technology. The rules ignore the realities that geographic areas of public safety agencies change not infrequently and the 25 kHz equipment being used in the adjacent area should be available in the expanded area. These interim rules also ignore that during the course of daily operations an agency's equipment becomes damaged, lost or otherwise incapable of repair. Agencies should not be burdened by purchasing more expensive dual mode replacement equipment. NPSTC believes that that the interim transition dates in the 700 MHz spectrum band will have the same negative impact.

NPSTC urges the Commission to embrace one migration date that of December 31, 2016, and to eliminate the interim transitional rules, at least with regard to public safety agencies. In the alternative, we think that the Commission should embrace a broad and flexible waiver policy and procedures allowing new or expanded 12.5 kHz systems for interoperability purposes. As to assisting public safety agencies in obtaining replacement equipment, the Commission should consider allowing manufacturers to continue selling equipment certified prior to 2014 through December 31, 2016, but no new 12.5 kHz equipment be certified subsequent to December 31, 2014.

Respectfully submitted,

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September 12, 2005

Certificate of Mailing

On September 12, 2005, I provided a copy of the Reply of the National Public Safety Telecommunications Council to the following individuals via First Class Mail, unless noted:

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